IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 09/873,785	Confirmation No.	2842
Applicant	: Chaitanya Kanojia, et al.		
Filed	: 06/04/2001		
Title	: PROMOTIONS ON VIEWING DEVICES		
Group Art Unit	: 2425		
Examiner	: Kieu Oanh T Bui		
Docket No.	: 325520.02/MFCP.143798		
Customer No.	: 45809		

VIA EFS – May 6, 2011

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR ONE-MONTH EXTENSION OF TIME

It is hereby requested that the time period for responding to the subject Office Action be extended for one (1) month, or until May 6, 2011. The appropriate extension fee under 37 C.F.R. § 1.17(a)(1) is submitted herewith.

RESPONSE

The present communication is submitted in response to the Non-Final Office Action mailed January 6, 2011. In response to the subject Non-Final Office Action, please consider the following:

Amendments to the Claims: begin on page 2 of this paper.

Summary of Examiner Interview: begins on page 11 of this paper.

Remarks/Arguments: begin on page 12 of this paper.

Amendments to the Claims:

This Listing of Claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1.   (Currently Amended) A system for displaying promotions on a viewing device comprising:

a display which is viewable by a viewer using the viewing device; and

a network device coupled to the viewing device, the network device configured to:

(a) separately receive both a promotion and a transmission schedule, wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in the display and the transmission schedule is received as a message which is individually addressed to the network device, and wherein the promotion is received such that the promotion is uniquely activated based on the condition of the individually addressed transmission schedule, and wherein the individually addressed transmission schedule that contains control data that specifies a condition for activating the promotion is a unicast message, and

(b) in response to the condition occurring, activate the promotion for display in the display.

2.   (Previously Presented)   The system of claim 1, wherein the promotion is stored locally on the network device.

3.   (Previously Presented)   The system of claim 1, wherein the promotion is stored in a network stream.

4.   (Previously Presented)   The system of claim 3, wherein the promotion is viewed in a dedicated channel.

5.   (Previously Presented)   The system of claim 3, wherein the promotion is viewed in a virtual channel.

6.   (Previously Presented)   The system of claim 1, wherein the promotion is located using a local moniker.

7.   (Previously Presented)   The system of claim 1, wherein the display is an electronic program guide.

8.   (Previously Presented)   The system of claim 7, wherein the electronic program guide is a full-screen guide.

9.   (Previously Presented)   The system of claim 7, wherein the electronic program guide is a partial-screen guide.

10.   (Previously presented)   The system of claim 7, wherein the promotion is displayed in the electronic program guide.

11.   (Previously Presented)   The system of claim 1, wherein the promotion is displayed as a banner.

12.   (Previously Presented)   The system of claim 1, wherein the promotion is displayed as a hot spot.

13.   (Previously Presented)   The system of claim 1, wherein the promotion is displayed as a full motion stream.

14.   (Previously Presented)   The system of claim 13, wherein the promotion is displayed on a personal video recorder.

15.   (Previously Presented)   The system of claim 1, wherein the promotion is selectable to facilitate interactions between the viewer and the promotion.

16.   (Previously Presented)   The system of claim 1, wherein the promotion is displayed over the entire viewable area of the display.

17.   (Currently Amended) The system of claim 1, wherein the promotion is displayed over a portion of the viewable[['])] area of the display.

18.   (Previously Presented)   The system of claim 1, wherein multiple promotions are displayed, each promotion being independently selectable to facilitate interactions between the viewer and the selected promotion.

19.   (Previously Presented)   The system of claim 18, wherein the promotions are displayed over the entire viewable area of the display.

20.   (Previously Presented)   The system of claim 18, wherein the promotions are displayed over a portion of the viewable area of the display.

21.   (Previously Presented)   The system of claim 1, wherein the condition is triggered by the interaction of the viewer with the network device.

22.   (Previously Presented)   The system of claim 21, wherein when the viewer accepts the promotion, the channel to which the network device is tuned to changes.

23.   (Previously Presented)   The system of claim 1, wherein the condition is triggered by a program the viewer is watching.

24.   (Previously Presented)   The system of claim 1, wherein the condition is triggered by a program schedule.

25.   (Previously Presented)   The system of claim 1, wherein the condition is triggered by past promotion acceptance of the viewer.

26.   (Previously Presented)   The system of claim 1, wherein the condition is triggered by a location that the promotion appears within the display.

27.   (Previously Presented)   The system of claim 1, wherein the promotions are selected based on a viewership profile of the network device.

28.   (Previously Presented)   The system of claim 1, wherein the promotions are selected based on the demographics of the viewer.

29.   (Previously Presented)   The system of claim 1, wherein a channel to which the network device is tuned is a trigger that triggers the condition.

30.   (Previously Presented)   The system of claim 29, wherein the trigger is embedded in a broadcast stream.

31.   (Canceled)

32.   (Previously Presented)   The system of claim 30, wherein the trigger is embedded in a Advanced Television Enhancement Forum (ATVEF) stream.

33.   (Previously Presented)   The system of claim 30, wherein the trigger is embedded in a Vertical Blanking Interval (VBI) stream.

34.   (Previously Presented)   The system of claim 29, wherein the trigger is embedded in an Moving Pictures Experts Group (MPEG) stream.

35.   (Currently Amended) A method for displaying targeted promotions on a viewing device, the method comprising the steps of:

      receiving a promotion and a transmission schedule, wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display on the viewing device and the transmission schedule is received as a <u>unicast</u> message <u>that</u> ~~which~~ is individually addressed to the viewing device; and

      in response to encountering the condition specified in the individually addressed transmission schedule, displaying the promotion on the viewing device.

36.   (Previously Presented)   The method of claim 35, further comprising the step of storing the promotion locally on the network device.

37.   (Previously Presented)   The method of claim 35, wherein the promotion is stored in a network stream.

38.   (Previously Presented)   The method of claim 35, wherein the step of displaying includes displaying the promotion in a dedicated channel.

39.   (Previously Presented)   The method of claim 35, wherein the step of displaying includes displaying the promotion in a virtual channel.

40.   (Previously Presented)   The method of claim 35, wherein the promotion is identified as a local moniker.

41.   (Previously Presented)   The method of claim 35, wherein the step of displaying includes displaying the promotion in an electronic program guide.

42.   (Previously Presented)   The method of claim 41, wherein the step of displaying includes displaying the promotion in a full screen electronic program guide.

43.   (Previously Presented)   The method of claim 41, wherein the step of displaying includes displaying in a partial screen electronic program guide.

44.   (Original)   The method of claim 35, wherein the step of displaying includes displaying the promotion as a banner.

45.   (Previously Presented)   The method of claim 35, wherein the step of displaying includes displaying the promotion as a hot spot.

46.   (Previously Presented)   The method of claim 35, wherein the step of displaying includes displaying the promotion as a full motion stream.

47.   (Previously Presented)   The method of claim 46, wherein the step of displaying includes displaying the promotion in a personal video recorder.

48.   (Previously Presented)   The method of claim 35, wherein the step of displaying enables the viewer to interact with the promotion.

49.   (Previously Presented)   The method of claim 35, wherein the step of displaying includes displaying the promotion over an entire viewable area of the display.

50.   (Previously Presented)   The method of claim 35, wherein the step of displaying includes displaying the promotion over a portion of the viewable area of the display.

51.   (Previously Presented)   The method of claim 35, wherein the step of displaying includes displaying multiple promotions so that the viewer is able to interact with each promotion.

52.   (Previously Presented)   The method of claim 51, wherein the step of displaying includes displaying the promotions over the entire viewable area of the display.

53.   (Previously Presented)   The method of claim 51, wherein the step of displaying includes displaying the promotions over a portion of the viewable area of the display.

54.   (Previously Presented)   The method of claim 35, wherein the condition is based on the interaction of a viewer with the network device.

55.　　(Previously Presented)　　The method of claim 54, further comprising the step of changing away from a channel the network device is tuned when the viewer accepts the promotion.

56.　　(Previously Presented)　　The method of claim 35, wherein the condition is based on a program the viewer is watching.

57.　　(Previously Presented)　　The method of claim 35, wherein the condition is based on a program schedule.

58.　　(Previously Presented)　　The method of claim 35, wherein the condition is based on past promotion acceptance of a viewer.

59.　　(Previously Presented)　　The method of claim 35, wherein the condition is triggered by a location that the promotion appears within the display.

60.　　(Previously Presented)　　The method of claim 35, wherein the condition is based on a viewership profile of the network device.

61.　　(Previously Presented)　　The method of claim 35, wherein the condition is based on the demographics of the viewer.

62.　　(Previously Presented)　　The method of claim 35, wherein the condition is triggered by a channel to which the network device is tuned.

63.　　(Previously Presented)　　The method of claim 62, wherein the condition is triggered by a trigger that is embedded in a broadcast stream.

64.   (Canceled).

65.   (Previously Presented)   The method of claim 63, wherein the condition is triggered by a trigger that is embedded in a Advanced Television Enhancement Forum (ATVEF) stream.

66.   (Previously Presented)   The method of claim 63, wherein the condition is triggered by a trigger that is embedded in a Vertical Blanking Interval (VB!) stream.

67.   (Previously Presented)   The method of claim 62, wherein the condition is triggered by a trigger that is embedded in an Moving Pictures Experts Group (MPEG) stream.

68.   (Previously Presented)   The system of claim 1, wherein the transmission schedule is customized for the network device and specifies when and how the network device is to receive the promotion.

69.   (Previously Presented)   The system of claim 1, wherein the transmission schedule is formatted as a Transmission Control Protocol (TCP) message or a User Datagram Protocol (UDP) message.

70.   (Previously Presented)   The system of claim 1, wherein the promotion is received as a broadcast message which is separate from the transmission schedule.

71.   (Previously Presented)   The method of claim 35, wherein the transmission schedule is customized for the viewing device and specifies when and how the viewing device is to receive the promotion.

SUMMARY OF EXAMINER INTERVIEW

Applicants would like to thank the Examiner for granting an interview on April 5, 2011. During the interview, proposed amendments to independent claims 1 and 35 were discussed. The Examiner indicated that the amendments, similar to those set forth herein, will overcome the cited references.

REMARKS

The Non-Final Office Action dated January 6, 2011 has been received and reviewed. Prior to the present communication, claims 1-30, 32-63, and 65-71 were pending in the subject application. All claims stand rejected. Each of claims 1, 17, and 35 has been amended herein. Accordingly, claims 1-30, 32-63, and 65-71 remain pending. Support for the amendments may be found in the Specification, at least, at page 8, line 28; page 10, line 28 to page 11, line 5; and page 3, lines 7-9. Care been exercised to introduce no new matter. Applicants respectfully request reconsideration of the present Application in view of the following remarks.

Rejections based on 35 U.S.C. § 103

Claims 1-30, 32-63, and 65-71 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,177,931 to Alexander, et al. (hereinafter "Alexander") in view of U.S. Publication No. 2002/0010928 to Sahota (hereinafter "Sahota") and U.S. Patent No. 6,463,585 to Hendricks, et al. (hereinafter "Hendricks"). Applicants respectfully submit that the cited references fail to teach or suggest every element of independent claims 1 and 35, as amended herein. Accordingly, Applicants respectfully traverse this rejection.

Independent claim 1, as amended herein, is directed to a system for displaying promotions on a viewing device. Claim 1 recites, in part, separately receive both a promotion and a transmission schedule, wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in the display and the transmission schedule is received as a message which is individually addressed to the network device, and wherein the promotion is received such that the promotion is uniquely activated based on the condition of the individually addressed transmission schedule, and wherein the individually

addressed transmission schedule that contains control data that specifies a condition for activating the promotion is a **unicast** message. In other words, the transmission schedule is transmitted to each network device individually using a messaging protocol for a unicast transmission. *See As-Filed Specification*, p. 10, line 28 to p. 11, line 5. The promotions, however, are transmitted using a different messaging protocol for multicast and broadcast transmissions. *Id.*

In contrast, Alexander is directed to the display of, and recording control interface with, television programs, video, advertising information and program scheduling information. *See*, Alexander, col. 1, ll. 35-40. Alexander links an advertisement with a time and channel of a program and enables a user to select the program. *Id.* at col. 4, ll. 28-43 and col. 5, ll. 7-14. Alexander fails to teach or suggest separately receiving both the transmission schedule as a message individually addressed to the network device and a promotion. *See Non-Final Office Action dated 01/06/2011*, p. 4. As such, Applicants respectfully submit that Alexander also fails to teach or suggest separately receiving both a promotion and a transmission schedule, wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in the display and the transmission schedule is received as a message which is individually addressed to the network device, and wherein the promotion is received such that the promotion is uniquely activated based on the condition of the individually addressed transmission schedule, and wherein the individually addressed transmission schedule that contains control data that specifies a condition for activating the promotion is a **unicast** message.

Sahota fails to overcome the deficiencies of Alexander. Sahota is directed to integrating Internet advertising with television commercials. *See e.g.*, Sahota, Abstract. Sahota

describes inserting an ATVEF trigger into a TV commercial to link the TV commercial with an Internet advertisement. *Id*. at ¶ [0053]. Sahota also fails to teach or suggest separately receiving both the transmission schedule as a message individually addressed to the network device and a promotion. *See Non-Final Office Action dated 01/06/2011*, p. 4. As such, Applicants respectfully submit that Sahota cannot teach or suggest separately receiving both a promotion and a transmission schedule, wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in the display and the transmission schedule is received as a message which is individually addressed to the network device, and wherein the promotion is received such that the promotion is uniquely activated based on the condition of the individually addressed transmission schedule, and wherein the individually addressed transmission schedule that contains control data that specifies a condition for activating the promotion is a **unicast** message.

Hendricks further fails to overcome the deficiencies of Alexander. Hendricks is directed to allowing targeted advertising directed to television terminals connected to an operations center or cable headend. *See e.g.*, Hendricks, Abstract. Individual television terminal address information is collected at an operations center to uniquely identify each television terminal to associate it with information necessary to aid the targeting process. *Id*. at col. 4, ll. 54-62. Messages and advertisements may be delivered to an individual television terminal. *Id*. at col. 5, ll. 5-7. Delivering messages and advertisements to an individual television terminal is distinct from receiving an *individually addressed* transmission schedule, as in amended claim 1. It appears that the Office is equating *individual targeting* with an *individually addressed transmission schedule* and the two cannot be equated. To advance prosecution and further clarify this distinction, claim 1 has been amended such that the transmission schedule is a

unicast message. Hendricks clearly does not teach or suggest this feature. Rather, Hendricks teaches away as it states, and the Office concedes, that a broadcast protocol is utilized to send messages to groups. *Id.* at col. 26, line 54 to col. 27, line 6; *see also, Non-Final Office Action dated 01/06/2011,* p. 4. As Hendricks teaches only delivering broadcast messages, it cannot teach or suggest separately receiving both a promotion and a transmission schedule, wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in the display and the transmission schedule is received as a message which is individually addressed to the network device, and wherein the promotion is received such that the promotion is uniquely activated based on the condition of the individually addressed transmission schedule, and wherein the individually addressed transmission schedule that contains control data that specifies a condition for activating the promotion is a **unicast** message.

As such, Applicants respectfully submit that independent claim 1, as currently amended, is not obvious over Alexander in view of Sahota and Hendricks. Thus, Applicants respectfully request the 35 U.S.C. § 103(a) rejection of independent claim 1 be withdrawn. Each of claims 2-30, 32-34, and 68-70 depend, either directly or indirectly, from independent claim 1. Thus, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 2-30, 32-34, and 68-70 is respectfully requested for at least the above-cited reasons. *See In re Fine,* 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also,* MPEP § 2143.03.

Independent claim 35, as amended herein, is directed to a method for displaying targeted promotions on a viewing device. The method includes, in part, receiving a promotion and a transmission schedule, wherein the transmission schedule contains control data that

specifies a condition for activating the promotion for display on the viewing device and the transmission schedule is received as a **unicast** message that is individually addressed to the viewing device.

Independent claims 1 and 35 recite generally similar claim limitations. Therefore, the above arguments regarding independent claim 1 apply with equal force to independent claim 35. As such, for the reasons set forth above with respect to independent claim 1, Applicants respectfully request withdrawal of the rejection of independent claim 35. Each of claims 36-63, 65-67, and 71 depend, either directly or indirectly, from independent claim 35. As such, Applicants request withdrawal of the rejection of claims 36-63, 65-67, and 71 as well. *See In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03.

CONCLUSION

For at least the reasons stated above, claims 1-30, 32-63, and 65-71 are believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or asturgeon@shb.com (such communication via email is herein expressly granted) – to resolve the same.

Submitted herewith is a Request for a One-Month Extension of Time, along with the appropriate fee. It is believed that no additional fee is due. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112, referencing attorney docket number 325520.02/MFCP.143798.

Respectfully submitted,

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